

IN THE UNITED STATES DISTRICT COURT FOR  
 THE MIDDLE DISTRICT OF ALABAMA  
 NORTHERN DIVISION

ROBINA JENKINS,	)	2005 OCT 31 P 4:23
Plaintiff,	)	Removed
vs.	)	From the Circuit Court of
	)	Montgomery County, Alabama
	)	Case No. CV-05-2658
	)	*****
NANCY WORLEY L. WORLEY,	)	Case No. <u>2:05cv1049-C</u>
Individually and in her capacity as	)	
SECRETARY OF STATE, State of	)	
Alabama; JOE DICKSON, individually	)	
and in his official capacity as a member of	)	
the State Personnel Board;	)	
HARRY MCMILLAN, individually	)	
and in his official capacity as a member of	)	
The State Personnel Board;	)	
JOHN MCMILLAN, individually and in his	)	
official capacity as a member of the State	)	
Personnel Board;	)	
HORACE W. POWELL, SR., individually	)	
and in his official capacity as a member of	)	
the State Personnel Board;	)	
JOYCE P. O'NEAL, individually	)	
and in her official capacity as a member	)	
of the State Personnel Board.	)	
Defendants.	)	

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1441 and 1446, defendants hereby serve notice of removal of this case from the Circuit Court of Montgomery County, Alabama, to this Honorable Court and respectfully shows as follows:

1. This lawsuit was originally filed on October 14, 2005, in the Circuit Court for Montgomery County, Alabama and assigned case number CV-05-2658. The complaint seeks compensatory and punitive damages against the defendants in their individual and official capacities. To the knowledge of the undersigned, no other pleadings have been filed as of the date of service of this pleading.

2. As appears from the face of the complaint, this Court has original subject matter jurisdiction over all five counts of the Complaint, (*See, ¶¶ 13, 20, 25, 33*). These counts purport to allege violations of, and seek relief pursuant to the Fourteenth Amendments to the United States Constitution. *See 28 U.S.C. §§ 1331 and 1343; and 28 U.S.C. §§ 1441(b) and 1446(b)*.

3. Pursuant to 28 U.S.C. § 1446(d), defendant has this day served a copy of this notice on the plaintiff and on the clerk of the state court.

4. Pursuant to 28 U.S.C. § 1446 (a), attached is a copy of all process, pleadings, and orders served upon the defendants in this action.

Respectfully submitted,



ALICE A. BYRNE (BYR015)  
Attorney for Defendants

ADDRESS OF COUNSEL:

State Personnel Department  
64 North Union Street  
Room 316  
Montgomery, Alabama 36130  
(334) 242-3450  
(334) 353-4481 (FAX)

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing document upon the following:

James W. Wilson, Jr. Esquire  
Attorney for Plaintiff  
732 Carter Hill Rd.  
Montgomery, Alabama 36106

by placing the same in first class mail, postage pre-paid, this the 31 day of October, 2005

  
OF COUNSEL